

# ***City Council Meeting Minutes***

**May 2, 2017  
City Hall, Council Chambers  
749 Main Street  
7:00 PM**

**Call to Order** – Mayor Muckle called the meeting to order at 7:00 p.m.

**Roll Call** was taken and the following members were present:

**City Council:**      *Mayor Robert Muckle  
Mayor Pro Tem Jeff Lipton  
Councilmember Jay Keany  
Councilmember Chris Leh  
Councilmember Susan Loo  
Councilmember Dennis Maloney  
Councilmember Ashley Stolzmann*

**Staff Present:**      *Malcolm Fleming, City Manager  
Heather Balser, Deputy City Manager  
Kevin Watson, Finance Director  
Joe Stevens, Director of Parks & Recreation  
Kurt Kowar, Director of Public Works  
Rob Zuccaro, Director of Planning & Building Safety  
Lisa Ritchie, Associate Planner  
Kathleen Hix, Director of Human Resources  
Katie Beasley, Senior Services Supervisor  
Meredyth Muth, City Clerk*

**Others Present:**      *Sam Light, City Attorney*

## **PLEDGE OF ALLEGIANCE**

All rose for the pledge of allegiance.

## **APPROVAL OF AGENDA**

Mayor Muckle called for changes to the agenda and hearing none, moved to approve the agenda; seconded by Councilmember Loo. All were in favor.

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## **PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

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Deb Fahey, 1118 West Enclave Circle, presented Council with an article related to the United Kingdom's reduction of coal use and thanked Council for its efforts to reduce energy use. She asked for the City to promote the fact that 52% of the City's energy comes from solar.

### **APPROVAL OF THE CONSENT AGENDA**

MOTION: Mayor Muckle moved to approve the consent agenda, seconded by Councilmember Stolzmann. All were in favor.

- A. Approval of Bills**
- B. Approval of Minutes: April 18, 2017**
- C. Approve Resolution No. 23, Series 2017 – A Resolution Approving the Second Amendment to the Fifth Interim Agreement Between the Municipal Subdistrict, Northern Colorado Water Conservancy District Windy Gap Firing Project Water Activity Enterprise, and the City of Louisville for Participation in the Windy Gap Firing Project**
- D. Award Bid for 2017 Sanitary Sewer Replacement Project**
- E. Approval of On Call Geographic Information System and Asset Management System Support Services Contract with Invision GIS, LLC**

### **COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA**

None.

### **CITY MANAGER'S REPORT**

City Manager Fleming noted the upcoming Open Houses for the Recreation Center expansion project. The City is now working with vendors to find locations for cell towers that will improve service in town. He added the City has hired a new Open Space Ranger Naturalist. He reminded all residents of the requirement that all dogs need to be leashed. The City has contracted to bring some goats in to help address weeds in the Harper Lake and Davidson Mesa open spaces. He noted the new wastewater plant will go online tomorrow. He thanked staff and Mayor Pro Tem Lipton for their efforts during Take Your Kid to Work Day.

### **REGULAR BUSINESS**

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### **PROCLAMATION – OLDER AMERICAN'S MONTH**

Mayor Muckle presented the proclamation to Katie Beasley, Senior Services Coordinator. Deb Fahey of the Senior Advisory Board thanked Council for the support.

Ms. Beasley showed two videos of resident seniors and how they use the services at the Senior Center.

**ORDINANCE NO. 1736, SERIES 2017 – AN ORDINANCE AMENDING TITLE 4, TITLE 10, AND TITLE 14 OF THE LOUISVILLE MUNICIPAL CODE REGARDING ELECTRICAL ASSISTED BICYCLES – 2ND READING – PUBLIC HEARING  
(advertised Daily Camera 04/23/2017)**

Attorney Light introduced the ordinance by title noting this is the second reading and public hearing.

Planner Ritchie stated the proposed ordinance amends Titles 4, 10 and 14 of the Louisville Municipal Code (LMC) to allow Class 1 and Class 2 electrical assisted bicycles (e-bikes) within the City.

Planner Ritchie stated e-bikes look nearly identical to a traditional bicycle and include a small electric motor and battery to provide motorized assistance through a pedal or throttle. There are three e-bike classifications; Class1, Class 2, and Class 3. E-bikes can encourage people to bike who otherwise may not, including older adults, people with physical limitations; commuters with longer distances to travel; and riders in hilly areas.

She noted Commuting Solutions, the regional multi-modal transportation advocacy organization, is working on an effort to promote e-bikes on the recently opened US 36 Bikeway. They are requesting each jurisdiction on US 36 allow e-bikes on the Bikeway, as well as more broadly throughout the City.

Planner Ritchie noted Council directed staff to revise the ordinance to allow both Class 1 and Class 2 e-bikes on all streets and trails within Louisville, rather than just Class 1 e-bikes. Staff has amended the ordinance accordingly. She stated staff recommends approval of this ordinance.

Councilmember Leh asked if Class 2 e-bikes have safety issues with the throttle and braking as was mentioned in one video in the packet. Ms. Ritchie stated the Class 2 bikes are widely sold and should have proper safety reviews.

Councilmember Loo noted staff and Council have studied both sides of this issue and stated she has gotten many comments from residents in support of this legislation.

#### Public Comments

Barbara Guthrie, 441 Elk Trail, Lafayette, stated she recently bought an e-bike that she loves. She stated it is very safe and a great way to get around the various bike trails and enjoy the outdoors. She supports the ordinance.

Dan Schuck, 403 Sumac Court, stated his support for the ordinance. He noted the e-bikes are regulated slower than regular bikes.

Randy Caranci, 441 Elk Trail, Lafayette, stated he rides an e-bike and finds it a great way to get around and enjoy the trails.

Councilmember Maloney noted everyone is concerned about public safety and these bikes are governed and cannot go fast. He supports the ordinance.

Mayor Muckle asked Councilmember Maloney if speed limits should be created for the soft surface trails in open space. Councilmember Maloney noted the bikes to worry about are likely not the e-bikes but the regular bikes regardless of a speed limit.

Councilmember Stolzmann noted the code already has regulations that state riders should keep their speed reasonable and prudent for the conditions.

#### Public Comments

Dan Schuck, speaking for a friend, stated the e-bikes are a great way for someone with slight vision issues to get around if they can't drive.

Mayor Pro Tem Lipton moved to approve Ordinance No. 1736, Series 2017;  
Councilmember Leh seconded.

**Vote:** Motion carried by unanimous roll call vote

Councilmember Leh asked staff to report back in a year or so on how the e-bike/person interactions are going.

#### **RESOLUTION NO. 24, SERIES 2017 – A RESOLUTION ESTABLISHING REFUSE, RECYCLABLES AND COMPOSTABLES COLLECTION AND DISPOSAL FEES EFFECTIVE JUNE 1, 2017 FOR THE CITY OF LOUISVILLE, COLORADO**

Director Kowar stated Solid Waste Fund expenditures are currently exceeding Solid Waste Fund revenues and the Fund is operating in a deficit. To resolve this issue staff prepared for Council consideration two versions of a Resolution increasing fees in an amount needed to cover costs associated with Solid Waste, Recycling and Composting activities and ensure the Solid Waste Fund will build a fund reserve equal to the amount of two months of operating expenditures by 2021. The first fee is an administrative fee to go from \$1.55 to \$2.35 per month per account. The second fee is the hazardous materials fee to go from 50 cents to 55 cents. This is a pass through fee to run the hazardous materials facility in the County. The third fee is a proposed new fee to maintain the Tree Branch Drop Off site. Version 1 of the resolution includes a new Tree Branch Drop-off Fee, Version 2 of the resolution does not and assumes the General Fund will cover those costs.

Mayor Pro Tem Lipton favors Version 2 as the net cost of the program hasn't changed and is currently covered by the General Fund; he doesn't want to impose a new fee.

Councilmember Maloney asked if the hazardous materials fee is charged to everyone or just single family homes. Director Kowar stated it would be charged to everyone as everyone is able to use the hazardous materials facility.

Public Comments – None.

Councilmember Stolzmann noted the hazardous materials facility is a great service to the community both for taking materials and giving away materials for use. Mayor Muckle concurred. Director Kowar noted the facility repurposes 52% of the materials dropped there.

Councilmember Stolzmann moved to approve Version 2 of Resolution No. 24, Series 2017, Mayor Pro Tem Lipton seconded.

Councilmember Maloney expressed some concern residents may feel nickel and dimed all the time with additional fees.

**Vote:** Motion carried by unanimous roll call vote.

### **DISCUSSION/DIRECTION/ACTION – COYOTE RUN GEOTECHNICAL TESTING CONTRACT**

Director Stevens stated in August 2015, the City selected American GeoServices, LLC to provide a site assessment of Coyote Run slope failure. In 2015, after review of the assessment, the City posted warning signs around the slope failure and began visual monitoring of the site. On March 8, 2017, City staff, along with Councilmembers Lipton and Loo, met with residents concerned about the slope failure behind their residences on Coyote Run Open Space. Director Stevens stated the residents expressed concern about continued slope failure and damage to the property values of their homes.

Director Stevens stated American GeoServices, LLC was the only company to submit a proposal and cost estimate to conduct further assessment. This would be sole source as there was only one responder to the request despite being sent to multiple other companies. Based on the cost estimate and the fact this was not an approved 2017 project, the City's Purchasing Policy requires this matter go before City Council for authorization.

Mayor Pro Tem Lipton urged Council to approve this tonight to further evaluate any safety concerns about the site. There is no conclusion about what should be done but the study is the first step. He noted the Open Space Board supports this cost being paid from the Open Space Fund.

Councilmember Stolzmann stated she supports this but would like to see a site map to understand who owns what property; the City or the homeowner's association. She asked if utilities have been checked for leakage and proper drainage and if that is affecting the slope and if residents are taking heed and draining downspouts away from the slope.

Director Stevens stated staff has already made suggestions to the home owners in these areas.

Councilmember Stolzmann stated Council should provide direction on whether the objective is to repair the failure or to mitigate expansion of the slope failure.

Mayor Muckle noted the problem may be a natural phenomenon and is not greatly interested in spending open space funding on this, as that might inform the scope of the study.

Mayor Pro Tem Lipton stated this is a safety concern for nearby pedestrian traffic on the City's trail and that concern is paramount. He stated it is necessary to find out the cause and it should be paid by open space funds as the area is dedicated open space.

Mayor Muckle noted the safety issue is not an open space problem; however he supports this initial survey. He may or may not support the fix depending what is recommended.

Councilmember Stolzmann stated it should be clarified what is the City's responsibility and what is the homeowner's association.

Councilmember Keany stated he supports the study but may not support the City funding any repairs if the homeowner's association should be responsible.

Slava Petropavlovski, 593 W. Sagebrush Ct. stated he lives just above the slope and noted there are concerns for safety, property values, and the image of the City of Louisville. Kids play in the area and the signs are not a deterrent. The visual site of the slope moving is making neighbors and people think no one is doing anything about this. He strongly encouraged the City to do the study.

Mayor Muckle summarized staff direction: make sure things from the first assessment have been done, provide OSAB input, and work with HOA on next steps.

Mayor Muckle moved Council approve the American GeoServices, LLC proposal in the amount of \$31,060 to further evaluate the slope failure at Coyote Run Open Space, Councilmember Maloney seconded.

**Vote:** Motion carried by unanimous roll call vote.

**DISCUSSION/DIRECTION –  
NEXT STEPS FOR RECRUITMENT OF CITY MANAGER**

Human Resources Director Hix stated she is looking for feedback and direction for the process of replacing the City Manager. She noted the options presented in the packet.

- Take time to complete an organizational assessment prior to beginning the recruitment process to determine long-term organizational needs.
- Hire a recruiting firm.
- Do not hire an executive search firm and have City Council take on the duties and tasks needed to complete the hiring process.

Councilmember Loo stated her support for hiring an executive search firm to put us in a position to get the best candidates.

Councilmember Maloney stated this is a 6-12 month process but would like to do some items concurrently. He would like to see some level of organizational assessment. It is money well spent to get a search firm.

Mayor Muckle agreed there is a need to be deliberative and take our time, would favor doing some organizational review first and then hiring a search firm.

Councilmember Leh agreed a search firm should be hired. He added there needs to be an organizational assessment and would broaden that out to include the Council. As the supervisors of the manager the Council needs to determine what it is looking for in a new manager.

Councilmember Keany stated he has gotten questions from employees wondering if other staff members will be let go. He noted it is important to let employees know that no other changes are anticipated at this time. He agreed there needs to be an organizational review to help the Council know what it is looking for in a new manager whether with a recruitment firm or another facilitator.

Councilmember Leh agreed some help or assessment from a facilitator or consultant would be good to help discern what we want from a new manager before we hire a search firm. Mayor Muckle agreed.

Mayor Muckle stated the consensus seems to be to ask staff to come back with some options on how to do the organizational review.

Councilmember Stolzmann agreed an executive recruiting firm was needed and there should be a separate, concurrent process to do an organizational review. She asked for a resolution to designate Deputy City Manager Balser as Interim City Manager. She

asked a subcommittee of Councilmember Maloney and Councilmember Loo be appointed to work with staff.

Councilmember Loo asked what the timing of this looks like. She agreed with Councilmember Maloney it would be best to move concurrently as much as possible.

Mayor Muckle stated the organizational assessment should be first and when we have that then we can work on the search committee Request for Proposal (RFP) for the executive search firm. He stated he would like to be on the subcommittee for hiring the city manager.

Attorney Light stated the Council can create a new committee with a defined job description. He noted State Law requires some things will need to be done in open meetings, but when the time comes, State Law does allow executive session for the committee to do certain things such as review of non-finalist applications. If Council wants a committee, staff will need direction on what is wanted from the committee.

Mayor Pro Tem Lipton would like to see the Committee be a working group with the product coming back to Council for final direction. He agrees a search firm is necessary. He would like to define what the organizational assessment will entail so we are better informed with the process.

Councilmember Leh stated he would like to serve on the working group as well.

Councilmember Stolzmann would like to see the RFP go out as soon as possible. It is a separate issue from the organizational review. She would like the subcommittee appointed soon to get the ball rolling for the search firm and keep the schedule moving.

Councilmember Stolzmann moved to give direction to staff to issue an RFP for an executive search firm to recruit a city manager; Councilmember Loo seconded the motion.

Councilmember Leh stated Council needs to be involved in the creation of the RFP and the search firm should not be the ones creating the job description. He stated the organizational assessment needs to be done separately from the search firm.

Councilmember Stolzmann amended her motion to ask staff to bring back an RFP for Council to review.

Mayor Pro Tem Lipton stated there needs to be time spent and some public process to identify critical success factors which come out of the organization assessment. There needs to be buy in and agreement what we are searching for notwithstanding the job description. He is willing to be patient on this to make sure we know what we want. He supports a subcommittee.



Councilmember Maloney stated we should move quickly and work on both the organizational assessment and the recruitment concurrently and be ready to do the recruitment when the assessment is done.

Mayor Pro Tem Lipton suggested a couple of councilmembers work with staff on the RFP and draft scope of work for the RFP. Mayor Pro Tem Lipton asked if the committee could also work on a proposed work plan for the entire process and schedule. He offered this as a friendly amendment to the motion. Councilmember Stolzmann rejected the friendly amendment.

Councilmember Loo stated the whole Council should get together to define what they want in the organizational study.

Mayor Muckle stated he would like the Council to determine key characteristics of what they are looking for separately from the search firm.

Councilmember Keany asked Director Hix her opinion. She agreed a search firm is needed for a variety of reasons. She stated an RFP can be done quickly for an executive search firm, but other firms specialize in doing the organizational assessments and she would recommend that approach.

Director Hix stated she could bring a back a menu of items of what could be included in an organizational assessment. That could be done for the May 16 meeting.

Councilmember Leh moved to direct staff to put together a menu of options for an organizational assessment separate from the RFP development. Mayor Muckle seconded. After discussion, Councilmember Leh withdrew his motion.

Councilmember Stolzmann reiterated her motion to direct staff to bring back a draft RFP for Council consideration. Mayor Pro Tem Lipton offered a friendly amendment for the Mayor to appoint two Council members to work with staff on developing a draft work plan and draft schedule for the search and organizational assessment to come back to Council for consideration. Councilmember Stolzmann accepted if the City Attorney did not need additional legal language. City Attorney Light confirmed there was no additional language needed.

MOTION: Councilmember Stolzmann moved to direct HR to prepare a draft RFP for a recruiter search firm and that the Mayor appoint two councilmembers to work with HR on a draft work plan and work schedule for a search; Councilmember Loo seconded. All in favor.

MOTION: Mayor Muckle moved to direct HR to prepare for Council a menu of possible actions Council could take as a part of an organizational review; Councilmember Keany seconded. All in favor.

**ORDINANCE NO. 1737, SERIES 2017 – AN ORDINANCE AMENDING CERTAIN PROVISIONS OF CHAPTER 3.18 OF THE LOUISVILLE MUNICIPAL CODE AND ADOPTING AN UPDATED SCHEDULE OF DEVELOPMENT IMPACT FEES FOR TRANSPORTATION CAPITAL FACILITIES, LIBRARY CAPITAL FACILITIES, AND PARKS AND TRAILS CAPITAL FACILITIES – 1ST READING – SET PUBLIC HEARING 5/16/17**

City Attorney Light introduced the ordinance by title on first reading. Mayor Muckle moved to approve Ordinance No. 1737, Series 2017 on first reading, send it out for publishing and set the public hearing for May 16, 2017; Councilmember Keany seconded. All in favor.

**CITY ATTORNEY'S REPORT**

City Attorney Light stated there is likely to be an executive session regarding pending litigation on the May 16 meeting agenda.

**COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF FUTURE AGENDA ITEMS**

Mayor Muckle noted the newly formed Business Retention and Development Committee had its first meeting this week, it was a productive meeting and a good start.

**ADJOURN**

Members adjourned the meeting at 9:23 pm.

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Robert P. Muckle, Mayor

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Meredyth Muth, City Clerk